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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

JOHN FUJIWARA *et al.*,

Defendants.

Adv. Pro. No. 10-04289 (CGM)

**CERTIFICATE OF NO OBJECTION TO  
MOTION TO ENFORCE SETTLEMENT AGREEMENT**

Irving H. Picard, trustee (“Trustee”), for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq., and the chapter 7 estate of Bernard L. Madoff, by and through his undersigned counsel, submits this certificate pursuant to Local Bankruptcy Rule 9075-2, and respectfully represents:

1. On April 29, 2022, the Trustee filed the Motion to Enforce Settlement Agreement (the “Motion”) (Adv. Pro. No. 10-04289 (CGM), ECF No. 117). The Trustee served copies of the Motion on, among others, Defendants as well as their counsel of record, Barry Lax and Brian Neville of Lax & Neville LLP, in the instant Adversary Proceeding at the respective addresses provided by the same pursuant to the notice provision of the Settlement Agreement and Release into which the parties entered in January of 2020 (ECF No. 103).

2. The deadline for filing objections to the Motion expired on May 11, 2022, and a hearing on the Motion has been scheduled for 10:00 a.m. on May 18, 2022 (ECF No. 118).

3. Pursuant to the Order Establishing Notice Procedures (*Sec. Inv’r Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, No. 08-01789 (CGM), ECF No. 4560) (the “Notice Order”), Notice of Motion was provided by U.S. Mail postage prepaid or email to: (i) Defendants in the Adversary Proceeding; (ii) all parties included in the Master Service List as defined in the Notice Order; (iii) all parties that filed a notice of appearance in this case; (iv) the SEC; (v) the IRS; (vi) the Acting United States Attorney for the Southern District of New York; and (vii) SIPC.

4. Counsel has reviewed the Court’s docket not less than forty-eight (48) hours after expiration of the time to file an objection, and to date, no objection, responsive pleading, or request for a hearing with respect to the Motion appears thereon. Additionally, no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion. The Trustee notes that after

the filing of the Motion, Lax & Neville LLP moved this Court for leave to withdraw as counsel to Defendants in this Adversary Proceeding (ECF No. 107). In a declaration offered in support of the motion, Attorney Neville stated that by letter dated March 25, 2022, Lax & Neville LLP advised Defendants that it no longer represented Defendants in this Adversary Proceeding. (Declaration of Brian Neville, Esq. (ECF No. 108 at 4)). The Order Granting Motion to Withdraw as Counsel to Defendants John Fujiwara and the Estate of Gladys Fujiwara was entered on May 2, 2022 (ECF No. 120). Accordingly, Defendants were given the opportunity to object to the Motion, either on their own behalf or through new counsel, but chose not to do so.

5. An electronic copy of the proposed order (the “Order”), that is substantially in the form of the proposed order that was annexed to the Motion will be submitted to the Court, along with this certificate.

6. Pursuant to Local Bankruptcy Rule 9075-2, the Trustee respectfully requests that the Order be entered without a hearing.

[SIGNATURE FOLLOWS ON NEXT PAGE]

Date: May 13, 2022  
New York, New York

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